

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Safar, et al.

Serial No.: Not yet assigned

Filed: October 20, 2004

For: **STRUCTURE AND METHOD FOR
HANDLING MAGNETIC PARTICLES
IN BIOLOGICAL ASSAYS**

Examiner: Not yet assigned

Group Art Unit: Not yet assigned

Attorney Docket No.: 6416USO3

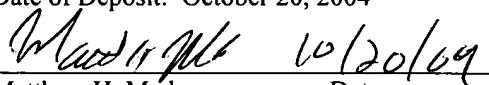
Date: October 20, 2004

EXPRESS MAIL NO.:EV 314257971 US

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as Express Mail Post Office to Addressee Service under 37 C.F.R. 1.10 on the date shown below with sufficient postage addressed to the:

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Matthew H. Mader Date

**Declaration and Power of Attorney
For a United States Patent Application**

As a below-named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original and first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "STRUCTURE AND METHOD FOR HANDLING MAGNETIC PARTICLES IN BIOLOGICAL ASSAYS", the specification of which was filed on October 20, 2004 and received serial number _____.

I hereby state that I have reviewed and understand the contents of the above-mentioned specification, including the claims.

I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Claim to benefit of foreign application(s) as follows:

I hereby claim foreign priority benefits under 35 U.S.C. §119 for the following foreign applications for patent or inventor's certificate.

PCT/US03/12930 FILED APRIL 25, 2003

THE FOLLOWING FOREIGN APPLICATIONS FOR PATENT OR INVENTOR'S
CERTIFICATE HAVE A FILING DATE EARLIER THAN THE FILING DATE OF THE
APPLICATIONS IDENTIFIED ABOVE.

Claim to benefit of earlier U.S. application(s) as follows:

I hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/375,766 files April 26, 2002

I hereby claim the benefit under 35 U.S.C. §120 of the following earlier-filed United States patent applications:

Insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. applications in the manner required by 35 U.S.C. §112, first paragraph, I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which came into existence between the filing date(s) of the prior applications and the national or PCT filing date of this application.

I hereby appoint the following Attorneys and/or agents to prosecute this application and any continuation or divisional applications based hereon, and to transact all business in the Patent and Trademark Office connected therewith:

The undersigned hereby authorizes the U.S. attorney(s) or agent(s) named herein to accept and follow instructions from the assignee, if any, of the undersigned as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney(s) or agent(s) and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney(s) or agent(s) named herein will be so notified by the undersigned.

As a named inventor, I hereby appoint the registered practitioner(s) identified by Customer No. 23495 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, whose firm name, mailing address, telephone number, and facsimile number for this application are:

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Scott G. Safar

Date

Charles M. Galitz

Date

Stephen L. Herchenbach

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Chadwick M. Dunn

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Date